

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ MAR 28 2012 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
-----X
UNITED STATES OF AMERICA

- versus -

ADIS MEDUNJANIN,
also known as "Muhammad,"

ORDER CLOSING COURTROOM
AND SEALING TRANSCRIPT

10-CR-019 (S-4)(JG)

Defendant.

-----X

JOHN GLEESON, United States District Judge:

Upon consideration of the motion of the United States of America for an Order to close the courtroom prior to any discussion of classified matters at the March 27, 2012 hearing pursuant to Section 6 of the Classified Information Procedures Act, 18 U.S.C. App. III (hereinafter "CIPA"), and to seal the transcript of the sealed portion of the proceeding;

Having reviewed the Certification of Assistant Attorney General Lisa O. Monaco that a public proceeding on the instant matter may result in the disclosure of classified information;

Having scheduled a public hearing on the motion and notified the public of the hearing by listing the date, time and location of the hearing on the Court's public calendar; and

Having held a public hearing on the motion at which the parties and any potential intervenors were provided an opportunity to be heard; and

Based on the submissions of the government, the Court makes the following findings:

1. There is a substantial probability that a public proceeding would prejudice

a compelling interest of government by revealing classified information;

2. No reasonable alternatives to closure of the courtroom exist that can adequately protect the compelling interest that would be prejudiced by a public proceeding, identified above.

3. The prejudice to the compelling interest identified above overrides the public's and the media's qualified First Amendment right to access the proceedings.

Accordingly, pursuant CIPA Section 6(a), United States v. Alcantara, 396 F.3d 189 (2d Cir. 2005), and United States v. John Doe, 63 F.3d 121 (2d Cir. 1995),

IT IS ORDERED that the motion to close the courtroom prior to the March 26, 2012 CIPA Section 6 hearing, and any continued or supplemental hearing addressing the same subject matters, and to seal the transcript of the sealed portion of any such proceeding, is hereby granted; and

IT IS FURTHER ORDERED that the closure of the courtroom be tailored by requiring the government to move to unseal the transcript if or when the information discussed therein is no longer classified.

SO ORDERED.

Dated: Brooklyn, New York
March 26, 2012

s/John Gleeson

THE HONORABLE JOHN GLEESON
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF NEW YORK